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09/900,335	07/05/2001	Peter Bernhard Kaars	US018099	5618

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EXAMINER	
CHEA, PHILIP J	

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2153	

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/900,335
Filing Date: July 05, 2001
Appellant(s): KAARS, PETER BERNHARD

MAILED

AUG 09 2007

Technology Center 2100

Oleg F. Kaplun
Reg. No. 45,559
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 7, 2007 appealing from the Office action mailed December 7, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Jones et al. (US 2002/0188841)

6,327,656

Zabetian

12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-3,7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (US 2002/0188841), herein referred to as Jones.

As per claims 1,7,8, Jones discloses a method of controlling communication of content information from a sender to a receiver via a data network, the method comprising:

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verifying if the content information is available from at least one source other than the sender (see paragraph [0038], where a watermark detector is used find related content or information about the content from remote networks, domains or computers);

contacting a search engine if the content information is available from the at least one source, wherein the search engine determines a location within a data network of the at least one source of the content information and returns an updatable index listing sources of a copy of the content information (see last sentence of paragraph [0042] and paragraph [0043], where a search engine is used to return pointers to content items that match the search request and the pointers provide the location of the files on the computer network); and

substituting for the content information a pointer to the location of the at least one source based on the updatable index of sources returned by the search engine (see last sentence of paragraph [0042]).

As per claim 2, Jones further discloses the method of claim 1 being carried out on request of at least the sender or receiver (see paragraph [0043], where a sender or receiver can present key word search or searches automated by detecting a watermark from a particular content item of interest).

As per claim 3, Jones further discloses that verifying comprises identifying the content based on a watermark embedded in the content (see paragraph [0038]).

As per claims 9-11, Jones further discloses updating the updateable index of the search engine with information about the location of the at least one source of the content information (see end of paragraph [0042]).

2. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 1 above, and further in view of Zabetian (U.S. 6,327,656).

As per claim 4, although Jones disclose substantial features of the claimed invention (discussed above), he fails to directly disclose verifying the content based on a fingerprint of the content. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones, as evidenced by Zabetian.

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In an analogous art, Zabetian discloses a system that can receive and transmit electronic mail (column 2, lines 42-45), verifying the document is the one to be received by using a fingerprint (column 7, lines 21-29).

Given the teaching of Zabetian, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones by employing a fingerprinting method, such as disclosed by Zabetian, in order to identify and distinguish the document from other documents, even one that appear to be similar from one another (column 2, lines 4-9). It would have been obvious to use the fingerprinting system taught by Zabetian to verify that a particular document located at another source is the same document from the local source.

As per claim 5, Jones in view of Zabetian further disclose the communication being carried out depending on the sender being authorized to communicate the content information (see Zabetian column 6, lines 37-53).

As per claim 6, Jones in view of Zabetian further disclose the communication being carried out depending on the receiver being authorized to receive the content (see Zabetian column 11, lines 17-43).

(10) Response to Argument

(A) Appellant noted that introductory sentence of the second paragraph of the Detailed Action of the 12/07/06 Final Office Action, the Examiner indicated that claims 1,2,5-9 have been rejected under U.S.C. 102(e).

In considering (A), Applicant is correct in assuming that claims 1-3 and 7-11 stand rejected under 35 U.S.C. 102(e), and that claims 4-6 stand rejected under 35 U.S.C. 103(a).

(B) Appellant contends that Jones does not disclose verifying with a plurality of sources throughout the data network whether the content information is available from at least one of the sources other than the sender and contacting a search engine if the content information is available from the at least one source.

In considering (B), the Examiner respectfully disagrees. The Examiner realizes that Appellants invention is based on a sender with content that wishes to send the content to a recipient, but before the

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content is sent, it is searched for and if found is replaced with a pointer to the location where it was found. So instead of the sender sending it's own copy, the recipient retrieves it from another source. However, what is claimed is merely a verifying step with a plurality of sources to determine whether the content is available from at least one of the sources other than the sender. In Jones, the verification of content availability is performed with watermarks. In other words, watermarks are used to verify where content is located (see paragraphs 38-40). Since content is searched for through different networks, domains and computers, the content may be available from a plurality of sources. Therefore, when content is retrieved from a computer in a specific domain (i.e. the sender of the source), the rest of the plurality of sources still have content information that is available. That is, the content information is available from at least one of the sources other than the sender. In order to meet the limitation of contacting a search engine if the content information is available from the at least one source, Jones discloses collecting all the information retrieved from the plurality of sources and implements a search engine allowing a user to determine a location of all the content information that was found based on the watermark (see paragraph 42). For example, if the content information is found (i.e. verified by watermarks) on three computers, one of those being the sender, the other two being a source other than the sender, a search engine is used that allows a user to search among the sources for the content. Nowhere in the claim does it mention what happens if the content information were not available from another source.

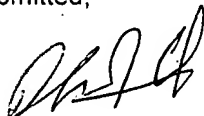
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Chea



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